

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
CHESEAPEAKE BUILDING
Tuesday, July 14, 2009**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:00 AM.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated July 14, 2009, as submitted by staff. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of Tuesday, June 23, 2009, as presented. Motion carried 5-0.

PROCLAMATION

The Commissioners presented Ms. Christine Bergmark, Executive Director, Southern Maryland Agricultural Development Commission, with a proclamation acknowledging July 18 – 26, 2009, as Maryland Buy Local Challenge Week.

COUNTY ADMINISTRATOR

1. Draft Agendas for July 21 and 28, 2009
2. **Dept. of Finance and St. Mary's Co. Health Dept.** (*Tracy Kubinec, Deputy Health Officer; and Joy Sapp, Fiscal Services Chief*)

Commissioner Raley moved, seconded by Commissioner Dement, that the Board of County Commissioners authorize Commissioner President Russell to sign the Core Public Health Services Funding Agreement for the period July 1, 2009, through June 30, 2010 confirming the County's FY2010 funding allocation to the State for core local health services. Motion carried 5-0.

3. Office of the Sheriff (*Sheriff Timothy Cameron; and Erin Shoemaker, Fiscal Mgr.*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to accept the COPS Hiring Recovery Program Application, Project USRA03, from the Department of Justice on behalf of the St. Mary's County Sheriff's Office, in the amount of \$2,544,000, for the salaries and benefits for three years/36 months for ten, newly-hired, full-time sworn officers, and at the time of award, direct the department to request BOCC authorization to add FTE's per the grant award. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to accept the Edward Byrne Memorial Competitive Grant Program Application, Project USRA05, from the Department of Justice on behalf of the St. Mary's County Sheriff's Office, in the amount of \$195,389, to fund the salary/fringe, and operating equipment of a Crime Lab Supervisor position, with the addition of the FTE to be approved at the grant award stage. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to accept the Crime Analyst – COMPSTAT application, Project USRA06, from the Governor's Office of Crime Control and Prevention on behalf of the St. Mary's County Sheriff's Office, in the amount of \$61,641, to fund an FTE Crime Analyst and establish a Crime Analysis Unit, with the addition of the FTE to be approved at the grant award stage. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to accept the BJA FY09 Recovery Act: Bryne Grant Local Solicitation Award, Project USRA09, from the Department of Justice on behalf of the St. Mary's County Sheriff's Office, in the amount of \$125,147, for additional funding to request equipment and technology to reinforce the Compstat model, and to execute the budget amendment reducing the project to match the award. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to accept the Enforcing Underage Drinking Laws Grant Application, Project US1038, from the Governor's Office of Crime Control and Prevention on behalf of the St. Mary's Sheriff's Office, in

the amount of \$40,045, for enforcing underage drinking laws. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to accept the School Bus Safety Enforcement Fund Award, Project MD1023, from the Governor's Office of Crime Control and Prevention on behalf of the St. Mary's Sheriff's Office, in the amount of \$20,000, for school bus safety and to execute the related budget amendment to decrease the project budget by \$15,000. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to accept the Sex Offender Compliance and Enforcement Grant Award, Project MD1024, from the Governor's Office of Crime Control and Prevention on behalf of the St. Mary's Sheriff's Office, in the amount of \$18,135, for improving the effectiveness of the Sex Offender Registry Unit and to execute the related budget amendment to decrease the project budget by \$239. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to accept the OVW FY2009 Rural Domestic Violence, Dating Violence, Sexual Assault and Stalking Assistance Program Application, Project US1075, from the Department of Justice on behalf of the St. Mary's County Sheriff's Office, in the amount of \$349,753, to fund the salary/fringe and operating equipment of an FTE Domestic Violence Manager and RPT Administrator Coordinator. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to accept the Domestic Violence Ex Parte and Protective Order Grant Award, Project MD1029, from the Governor's Office of Crime Control and Prevention on behalf of the St. Mary's Sheriff's Office, in the amount of \$3,964, to support the requests for protective orders within our County and to execute the related budget amendment to decrease the project budget by \$43,901. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to accept the FY2009 State Criminal Alien Assistance Program Application, Project US1068, from the Department of Justice on behalf of the St. Mary's County Sheriff's Office, in the amount of \$10,000, for incarcerating undocumented criminal aliens. Motion carried 5-0.

4. Dept. of Public Safety (*Dave Zylak, Director*)

((Tommy Mattingly, Jr., Mgr., Emergency Communications Div.)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Department of Public Safety to submit the project funding application for the Maryland 911 Emergency Number Systems Board Grant, Project MD0938, from the Maryland 911 Trust Fund, in the amount of \$153,992. Motion carried 5-0.

(Jackie Shaw, Mgr., Emergency Management Div.)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the Emergency Management Performance Program Grant Memorandum of Agreement, Project US1012, from the Maryland Emergency Management Agency, on behalf of the Department of Public Safety, for supporting staff salaries in the amount of \$97,121, and the related Budget Amendment to increase the revenue by \$41,623. Motion carried 5-0.

5. Dept. of Economic and Community Dev. (*Bob Schaller, Director; and Bennett Connelly, Director, Dept. of Human Services*)

Commissioner Mattingly moved to approve the Department of Economic and Community Development's request to allocate \$20,000 from the Workforce Housing Initiatives Fund PF0701 to contract the services of a qualified vendor to update the housing needs assessment for St. Mary's County. The motion failed for lack of a second.

Commissioner Raley moved, seconded by Commissioner Jarboe, that the Board of County Commissioners not approve at this time the Department of Economic and Community Development's request to allocate \$20,000 from the Workforce Housing Initiatives Fund PF0701 to contract the services of a qualified vendor to update the housing needs assessment for St. Mary's County and that the Board further request that the Director of Economic and Community Development return to the Board of County Commissioners in six months time for the Board's possible reconsideration of the request. Motion carried 5-0.

6. Dept. of Human Services (*Bennett Connelly, Director; and Anita Ray, Substance Abuse Coordinator*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the revised FY2009 Substance Abuse Treatment Services Grant, AS180SAS, from the Maryland Alcohol and Drug Administration on behalf of the Department of Human Services, for program funding in the amount of \$3,433,879, and the related budget amendments to decrease the project budgets by \$40,000 as reduced by the State. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: PRESENT FOR SIGNATURE THE ORDINANCE TO AMEND SECTION 21.1.3 OF THE COMPREHENSIVE ZONING ORDINANCE AND SUBDIVISION ORDINANCE FOR THE PURPOSE OF EXTENDING TIME LIMITS IMPOSED BY THESE ORDINANCES

Present: Derick Berlage, Director, LU&GM

Mr. Berlage presented the Ordinance that was approved by the BOCC on June 23, 2009. At that meeting, Commissioner Raley made the motion to approve the ordinance adding a provision that the amendment applies to any projects that have received any approvals or extensions under any prior ordinance and that are grandfathered pursuant to the provision of Chapter 27 of Z-02-01, and that the actions thereof pertain to the time period from January 1, 2008 through December 31, 2010. The motion was seconded by Commissioner Jarboe and passed unanimously by a vote of 5-0.

Mr. Berlage requested an Ordinance effective date of July 14, 2009. After discussion with Ms. Christy Chesser, County Attorney, the effective date was declared as July 28, 2009, to allow for adequate time to publish the fair summary of the adopted ordinance and its related amendment to Section 21.1.3 of the Zoning Ordinance (Z-02-01) and the Subdivision Ordinance (S-02-01) in the local newspapers.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign the Ordinance as presented to amend Section 21.1.3 of the Comprehensive Zoning Ordinance (Ordinance Z-02-01) and the Subdivision Ordinance (Ordinance S-02-02) for the purpose of extending time limits imposed by these ordinances as approved by the Board on June 23, 2009; and that the amendment to these ordinances be effective July 28, 2009. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events, events attended over the past week and personal interest items.

PUBLIC HEARING TO REVIEW THE ST. MARY'S COUNTY AGRICULTURAL LAND PRESERVATION DISTRICT FIVE-YEAR TAX CREDIT PROGRAM ORDINANCE

Present: Donna Sasscer, Agricultural Mgr., DECD
Bob Schaller, Director, DECD

Commissioner Russell opened the public hearing at 10:50 AM and announced its purpose is to consider and receive public comment on the proposed St. Mary's County Agricultural Land Preservation five-year tax credit program Ordinance. The intent of the

Ordinance is to create incentives to benefit landowners and encourage participation in the Agriculture Land Preservation Five (5) Year Program or the Maryland Agriculture Land Preservation Programs.

Ms. Sasscer clarified that the request is to remove the \$40,000 tax credit cap from farm land and farm buildings, not the farm residence. A tax assessment worksheet will be provided to assist with assessing the value of each farm building. The property owner can reapply for the tax credit every five years.

Commissioner Russell opened the hearing for public testimony at 10:57 AM. There were no names on the public hearing sign up sheet and no one present to offer public comment.

Commissioner Russell closed the public hearing at 10:58 AM and set the ten-day open record period for written comments.

**PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO
THE ST. MARY'S COUNTY CODE, SECTION 212.7, ANIMAL
CONTROL REGULATIONS**

Present: Dave Zylak, Director, Dept. of Public Safety
Tony Malaspina, Animal Control Supervisor, Dept. of Public Safety

Commissioner Russell opened the public hearing at 11:00 AM and announced its purpose is to consider amendments to the St. Mary's County Code Section 212.7, Animal Control Regulations.

On September 30, 2008, a BOCC public hearing was held to propose a number of changes to the St. Mary's County Animal Control Regulations. On October 21, 2008, the BOCC adopted Ordinance No. 2008-08 amending Chapter 212 of the Code. One of the changes involved eliminating Section 212.7 A, Licensing/Fees. Mr. Zylak said omitting Section 212.7 A. was an error because it is required by Article 24, Title 11, Subtitle 5 of the Maryland Code. Mr. Zylak proposed restoring Section 212.7 A as it was originally written, retaining the same licensing fee.

Commissioner Russell opened the hearing for public testimony at 11:03 AM. There were no names on the public hearing sign up sheet and no one present to offer public comment.

Commissioner Russell closed the public hearing at 11:03 AM and set the ten-day open record period for written comments.

RECESS

The Board recessed at 11:04 AM.

JOINT MEETING WITH BOARD OF EDUCATION AT THE COLLEGE OF SOUTHERN MARYLAND, BLDG. C, ROOM #216 (BESCHE MEETING ROOM) 22950 HOLLYWOOD RD., LEONARDTOWN, MD

Present:

Mr. Bill Mattingly, Chairman, Board of Education

Ms. Cathy Allen, Vice Chair

Ms. Marilyn Crosby, Member

Dr. Sal Raspa, Member

Dr. Michael Martirano, Superintendent, SMCPSS

Mr. Jeff Thompson, Director of Transportation

Ms. Zina McGowan-Thomas, Public Information Officer

Beverly Dahlstrom, Recorder for SMCPSS

Mr. John Savich, County Administrator

Ms. Elaine Kramer, Chief Financial Officer

Derick Berlage, Director, Land Use and Growth Management

Donna Gebicke, Recorder for BOCC

A Look Ahead to the FY 2011 Budget

Ms. Kramer provided a look ahead to the FY 2011 budget that identified concerns about likely future state actions related to allocations to local governments and “what if” scenarios for 2011 through 2013 revenue.

Mr. Savich stated that the Board of County Commissioners’ goal is to continue to share financial information with the Board of Education as it becomes available. A harder look at permanent cuts will be part of the FY2011 budget discussions in the fall. With the state getting ready to identify an additional \$700m in cuts, it is clear that the budget situation is serious. However, the goal will be to continue to maintain services and the high quality of education in St. Mary’s County as much as possible.

Dr. Martirano indicated that while the Board of Education does not want to backslide from the achievements that have been made, it is aware of the challenges and appreciates the sharing of information on all of the variables so that a solid, realistic budget can be built.

Recap of 2008-2009 School Year

Dr. Martirano reviewed the numerous success stories and goals that were achieved in spite of the economic challenges.

Proposal: Consolidation of School Bus Services

Mr. Savich and Dr. Martirano proposed that a study be undertaken to look at consolidating bus services transporting students to public and private schools with the

goal of providing the most efficient and cost-effective service. Currently, there are two parallel systems running in the County. The public school system's transportation department runs the public school bus system and County government hires contractors to transport private school students. The consensus of both Boards was for staff to put together a group to examine the pros and cons of consolidating staffing, vehicles and routes and make recommendations.

Dr. Raspa said that the study should include community and parent involvement. Commissioner Raley stressed the importance of providing the same level of service to both public and private school students.

Comprehensive Plan Update

Derick Berlage, Director, Land Use and Growth Management, provided information on the process for the Comprehensive Plan Update and the implications for schools. Dr. Martirano requested that Mr. Berlage provide an in-depth presentation at a Board of Education Work Session on the Comprehensive Plan and current and potential zoning issues affecting school sites.

ADJOURN

Commissioner Raley moved, seconded by Commissioner Jarboe, to adjourn the meeting of the Board of County Commissioners. Motion carried 5-0.

The meeting adjourned at 3:49 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator (Recorder)